



1       BEFORE:

2               MS. LATRICE KIRKLAND-MONTAGUE,  
3               Administrative Law Judge

4               APPEARANCES:

5               DALEY, MOHAN & GROBLE, by  
6               MR. KEVIN BALDWIN  
7               55 West Monroe Street, Suite 1600  
8               Chicago, Illinois 60603  
9               appearing for petitioner,  
10              Canal Barge Company, Inc.;

11              MR. PAUL STREICHER  
12              321 North Clark Street, Suite 2200  
13              Chicago, Illinois 60654  
14              appearing for co-petitioner,  
15              CSX Transportation, Inc.,

16              MR. AARON TEOLIVER  
17              527 East Capitol Avenue  
18              Springfield, Illinois, 62701,  
19              appearing for the Illinois Commerce  
20              Commission, Railroad Safety Section

21

22

23

24

25

26

27              SULLIVAN REPORTING COMPANY, by  
28              PATRICIA WESLEY  
29              LICENSE NO. 084-002170

30

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	EXMNR.
CINDY VAN DUYNE	7				
STEPHEN HEATH	20	25			

E X H I B I T S

APPLICANT'S	FOR IDENTIFICATION	IN EVIDENCE.
A	8	28
B	14	28
C	16	28
D	17	28

1  
2 JUDGE KIRKLAND-MONTAGUE: By the power vested in  
3 me by the State of Illinois and the Illinois  
4 Commerce Commission, I now call Docket No. I -- I'm  
5 sorry -- T14-0108. This is in the matter of Canal  
6 Barge Company, Incorporated, and CSX Transportation,  
7 Incorporated, Petitioners, versus the Channahon  
8 Township Highway Department, Respondent, and we are  
9 here on a Petition for an Order of the Commission  
10 authorizing the installation of an additional  
11 railroad track at the grade crossing inventoried as  
12 D.O.T. 608233F at what is commonly known as Youngs  
13 Road in Channahon, Illinois.

14 May I have appearances, please. Let's  
15 start with Canal Barge Company's representative.

16 MR. BALDWIN: Kevin Baldwin. You want my address  
17 also?

18 JUDGE KIRKLAND-MONTAGUE: Yes.

19 MR. BALDWIN: Kevin Baldwin, B-A-L-D-W-I-N, of  
20 Daley, Mohan & Groble, D-A-L-E-Y M-O-H-A-N  
21 G-R-O-B-L-E, 55 West Monroe Street, Suite 1600,  
22 Chicago, 60603. My office line is 312-422-9999.

1 JUDGE KIRKLAND-MONTAGUE: Okay. CSX.

2 MR. STREICHER: Good afternoon, your Honor. My  
3 name is Paul Streicher. I am counsel for  
4 co-petitioners, CSX Transportation, Inc. My office  
5 address is 321 North Clark Street, Suite 2200, in  
6 Chicago, 60654. My office telephone is Area Code  
7 312-970-3467.

8 JUDGE KIRKLAND-MONTAGUE: Okay. And Channahon  
9 Township does not have a representative; is that  
10 correct?

11 MR. BALDWIN: Correct.

12 JUDGE KIRKLAND-MONTAGUE: They have filed a  
13 stipulation they have on the record, and I actually  
14 have a copy of that here.

15 So may I have an appearance by staff.

16 MR. TEOLIVER: Yes, your Honor. Aaron Teoliver  
17 A-A-R-O-N T-E-O-L-I-V-E-R, representing staff of the  
18 Commission's Railroad Safety Section. That's at 527  
19 East Capitol Avenue, Springfield, Illinois, 62701,  
20 and my office phone is 217-785-8420.

21 JUDGE KIRKLAND-MONTAGUE: Thank you. I see there  
22 were some draft proposed stipulation exhibits and

1 things of that nature filed prior to the hearing.

2 So I'm just going to give the floor to  
3 Mr. Baldwin to present the petition. And before you  
4 do that, did you want to have the witnesses testify?

5 MR. BALDWIN: Yes.

6 JUDGE KIRKLAND-MONTAGUE: Could you have them  
7 stand and raise their right hand.

8 (Witnesses sworn.)

9 JUDGE KIRKLAND-MONTAGUE: Okay. You may be  
10 seated.

11 And you may proceed, Mr. Baldwin.

12 MR. BALDWIN: Thank you, your Honor.

13 On behalf of the petitioner, I'll  
14 first call Cindy Van Duyne.

15 MS. VAN DUYNE: My name is Cindy Van Duyne,  
16 spelled V-A-N D-U-Y-N-E. I'm with Canal Barge  
17 Company. My address is 800 Jackson Avenue, Suite B  
18 - as - in - boy -- Mandeville, Louisiana,  
19 M-A-N-D-E-V-I-L-L-E, Zip Code 70448. My office  
20 number is Area Code 985-727-1840.

21 CINDY VAN DUYNE,  
22 called as a witness herein, having been first duly

1     sworn, was examined and testified as follows:

2                     DIRECT EXAMINATION

3                     BY

4                     MR. BALDWIN:

5             Q.     Ms. Van Duyne, could you tell us what your  
6     position is with Canal Barge Company, please.

7             A.     I'm the compliance manager.

8             Q.     And Canal Barge Company operates a facility  
9     out of Channahon, Illinois?

10            A.     That's correct.

11            Q.     And can you tell us a little bit about what  
12   that facility is?

13            A.     The facility is a bulk-liquid distribution  
14   terminal. We receive and reship liquid materials by  
15   barge, railroad, and tank truck. Currently we have  
16   25 above-ground storage tanks where the material is  
17   delivered into and then shipped back out. We have  
18   three existing rail spurs that service that facility  
19   and based on our customer demand and requirements  
20   for their mode of delivery where it's necessary for  
21   us to add an additional rail spur to service that  
22   customer.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

(Whereupon, Petitioner's  
Exhibit A was marked for  
identification.)

Q. Ms. Van Duyne, I'm showing you what we have  
previously identified as Petitioner's Hearing  
Exhibit A. Do you recognize what that photograph  
depicts?

A. Yes. This photograph, Exhibit A, is an  
aerial photograph of the Canal Barge facility. It  
illustrates a series of above-ground storage tanks.  
To the east is the Des Plaines River where the barge  
loading and unloading activities take place. To the  
west of the facility is Youngs Road which runs  
north/south on the figure.

Q. This photograph is oriented with north at  
the top?

A. Correct.

Q. And just west -- excuse me. Youngs Road  
provides the vehicular access to this facility?

A. Correct.

Q. And just to the west of Youngs Road in this



1 photograph I take it is the main spur coming off of  
2 CSX's main line?

3 A. That is correct.

4 Q. And that spur is commonly referred to as the  
5 Amoco spur?

6 A. Yes.

7 Q. The Amoco facility is located where in  
8 relation to where your facility is?

9 A. The Amoco facility?

10 Q. Uh-huh.

11 A. The Amoco facility is no longer called  
12 Amoco. It's currently operated by Flint Hills  
13 Resources and it is due south of our facility  
14 approximately two miles.

15 Q. This is actually a spur off of the spur that  
16 serves that?

17 A. That is correct. That spur is due west  
18 about a half mile.

19 Q. Looking at this photograph, I can see three  
20 crossings that appear over Youngs Road from the spur  
21 on the west side of it.

22 A. That's correct, and all three spurs serve

1 the Canal facility.

2 Q. We can see from north to south there are two  
3 spurs that appear to lead directly into the  
4 facility?

5 A. That is correct.

6 Q. And then there's a southernmost crossing  
7 that's notated on this document, correct?

8 A. That's correct.

9 Q. Where does the track off that crossing  
10 serve?

11 A. That track serves an adjacent Canal facility  
12 that we call CTC South which is comprised of a  
13 direct transfer facility and storage tank which is  
14 off and not illustrated on this figure.

15 Q. In addition, that spur currently serves two  
16 other customers of CSX?

17 A. Yes. The property due south of the Canal  
18 property is operated by SeaWind, and there's a rail  
19 spur that goes into their property, and then south  
20 of SeaWind, which also is not illustrated on this  
21 figure, is another facility called Northfield Block.  
22 It's a cement block manufacturing facility, which is

1 not in operation, and there's a spur that services  
2 that facility as well.

3 Q. And currently at what capacity is Canal  
4 Barge Company using its rail service over the  
5 existing spurs?

6 A. We receive cars that are delivered to us by  
7 CSX.

8 Q. To what extent are you using that capacity?

9 A. We are out of space. We have all of our --  
10 we are at capacity in terms of the rail spots that  
11 we have to utilize based on our customer demand.

12 Q. So, as part of the petition that's before  
13 the Commission this afternoon, you are seeking  
14 permission to install a crossing over Youngs Road  
15 that will provide a new spur into your facility,  
16 correct?

17 A. Correct. Yes.

18 Q. And what is the purpose or how will that new  
19 track serve your facility?

20 A. That new track will extend horizontally from  
21 west to east into the facility and it will support  
22 the new tank construction for additional products

1     that will be served by that.

2           Q.     It will provide the opportunity to install  
3     additional tank capacity?

4           A.     Yes.

5           Q.     And by doing so, will your company be able  
6     to serve its customers?

7           A.     Yes, we will be able to be more responsive  
8     to our customers, which are Fortune 500  
9     manufacturers, and our role in the distribution  
10    industry is to provide that raw material to a wide  
11    range of manufacturers in the midwest.

12          Q.     And the need for this additional spur is now  
13    considered an immediate need for Canal Barge?

14          A.     Yes, it is. We would not be able to expand  
15    and accommodate our customers' needs without that  
16    rail spur.

17          Q.     Currently Canal Barge has an agreement with  
18    CSX regarding the use and operation over these spur  
19    tracks?

20          A.     Yes, we do.

21          Q.     And pursuant to that agreement -- have you  
22    reached an agreement with CSX with regard to the

1 proposed new track that is to be installed?

2 A. Yes, we have.

3 Q. Under that agreement, who will be

4 responsible for the installation, maintenance, and

5 costs of the new track?

6 A. Canal.

7 Q. Canal Barge Company?

8 A. Yes.

9 Q. And, again, pursuant to that agreement,

10 Canal Barge will use the new spur, as well as its

11 existing tracks, to operate track mobiles over the

12 crossing?

13 A. Yes.

14 Q. All right. And Canal Barge's employees, if

15 and when they operate that track mobile over the

16 crossing, will observe the maximum timetable speed

17 that's currently in effect for those tracks?

18 A. Correct.

19 Q. And that is five miles per hour?

20 A. Yes.

21 Q. And, in addition, it will be anyone who uses

22 either the existing crossings or the proposed

1 crossings will be required to flag all operations  
2 over those crossings, correct?

3 A. Correct.

4 Q. Has Canal Barge prepared any plans for this  
5 new track?

6 A. Yes, we have plans prepared by Patrick  
7 Engineering.

8 Q. And we have a representative of Patrick  
9 Engineering here today?

10 A. Yes.

11 Q. And that is Mr. Stephen Heath?

12 A. Yes.

13 Q. Has CSX reviewed the plans?

14 A. Yes, they have.

15 Q. And they have approved them in the form that  
16 as they are provided?

17 A. Yes.

18 (Whereupon, Petitioner's  
19 Exhibit B was marked for  
20 identification.)

21 Q. I direct your attention to Petitioner's  
22 Hearing Exhibit B. Is that a complete set of the

1 plans that were prepared by Patrick Engineering and  
2 approved by CSX?

3 A. Yes.

4 Q. Ms. Van Duyne, have you discussed the  
5 proposed installation of the new crossing and track  
6 with any of the neighboring industries?

7 A. Yes, I have. I sent a letter to three of  
8 the adjacent neighbors, to Cattleya Intermodal,  
9 SeaWind, as well as Northfield Block. I sent that  
10 certified mail and received responses back from all  
11 three indicating they had no objection to the  
12 proposed rail crossing.

13 Q. In addition, has Canal Barge conducted any  
14 studies regarding the proposed impact on Youngs  
15 Road?

16 A. Yes, we did. We contracted with KLOA,  
17 that's shown in Exhibit C of the handout. They  
18 conducted a traffic study on February 19th and 20th  
19 of 2014.

20 Q. And that traffic study, in fact, indicated a  
21 traffic volume of 1036 vehicles per day --

22 A. Yes.

1           Q.    -- with approximately 28 percent consisting  
2 of truck traffic?

3           A.    Yes.

4                               (Whereupon, Petitioner's  
5                               Exhibit C was marked for  
6                               identification.)

7           Q.    And the complete report is included as has  
8 been filed and previously identified as Hearing  
9 Exhibit C?

10          A.    Correct.

11          Q.    The results of this traffic study indicates  
12 that some portion of that traffic count may or may  
13 not have consisted of buses based on the length of  
14 the vehicles that traverse their study equipment,  
15 correct?

16          A.    Correct.

17          Q.    Did you make any follow-up inquiries on that  
18 issue?

19          A.    Yes, I did. I contacted seven different  
20 school districts in the vicinity of the facility and  
21 confirmed that none of them have Youngs Road  
22 assigned as a designated bus route.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

(Whereupon, Petitioner's  
Exhibit D was marked for  
identification.)

Q. And the results of those inquiries are  
included on the chart that we have identified as  
Hearing Exhibit D, correct?

A. That's correct.

Q. Ms. Van Duyne, have you provided these plans  
for the proposed crossing to the Channahon Township  
Highway Department?

A. Yes.

Q. Is it your understanding that Channahon  
Township Highway Department is the local road  
authority that has jurisdiction over Youngs Road?

A. Yes.

Q. And that road is previously referred to as  
Olin (phonetic) Road?

A. That is correct.

Q. And is that indicated as Tracking  
No. TR157B with the highway department?

A. Yes.

1           Q.     Does Channahon Township have any questions  
2     or objections to the plan?

3           A.     They did not.

4           Q.     And has Channahon Township provided their  
5     consent in support of the petition?

6           A.     Yes, they have.

7           Q.     In addition, I'm showing you what's been  
8     previously filed and identified as a stipulation  
9     dated 10-6-2014. Have you seen that document  
10    before?

11          A.     Yes, I have.

12          Q.     And that document is a letter from the  
13    Channahon Township Highway commissioner providing  
14    his approval of the proposed order that was drafted  
15    by the parties in connection with ICC staff,  
16    correct?

17          A.     That is correct.

18          Q.     In connection with the installation of the  
19    proposed new track and crossing, is it your  
20    understanding that Channahon Township will continue  
21    or will thereafter maintain the approaches that are  
22    installed by Canal Barge?

1           A.     Yes.

2           Q.     And notwithstanding Canal Barge and CSX,  
3     pursuant to their agreement, will maintain the  
4     actual crossing surfaces of the tracks?

5           A.     That is correct.

6           MR. BALDWIN:   I have no questions for this  
7     witness.

8           JUDGE KIRKLAND-MONTAGUE:   Okay.   Mr. Teoliver, do  
9     you have any questions for the witness?

10          MR. TEOLIVER:   I have no more questions, your  
11     Honor.

12          JUDGE KIRKLAND-MONTAGUE:   Mr. Streicher.

13          MR. STREICHER:   I have no questions for this  
14     witness, your Honor.

15          JUDGE KIRKLAND-MONTAGUE:   Okay.

16          MR. BALDWIN:   May I proceed.

17          JUDGE KIRKLAND-MONTAGUE:   Yes.

18          MR. BALDWIN:   On behalf of petitioners, we'll  
19     call Mr. Heath.

20                                 STEPHEN HEATH,  
21     called as a witness herein, having been first duly  
22     sworn, was examined and testified as follows:

1

2

DIRECT EXAMINATION

3

BY

4

MR. BALDWIN:

5

Q. Would you please state your name for the

6

court reporter, please.

7

A. Yes. Stephen Heath, first name Stephen,

8

S-T-E-P-H-E-N, last name Heath, H-E-A-T-H. I'm with

9

Patrick Engineering. My office is at 4970 Varsity

10

Drive in Lisle, Illinois, 60532. The office phone

11

number is 630-795-7306. I'm a licensed professional

12

engineer in the State of Illinois.

13

Q. Thank you, Mr. Heath.

14

Mr. Heath, directing your attention to

15

what we have identified as Petitioner's Hearing

16

Exhibit D, do you recognize those plans?

17

A. Yes.

18

Q. Are those, in fact, the plans that you

19

provided for the purpose of the new crossing that's

20

the subject of this matter?

21

A. Yes, that's correct.

22

Q. And do the plans set out the details of the

1 track and the crossing profiles?

2 A. Yes, they do.

3 Q. Can you direct us to where within the plans  
4 we can see that?

5 A. Yes. The crossing details are on sheet nine  
6 and it's labeled EX-1.

7 Q. If you would please describe for us briefly  
8 what is the physical characteristics of the Youngs  
9 Road as it exists today?

10 A. Youngs Road is a two-lane rural road. It's  
11 a paved road with gravel shoulders, and ditches, and  
12 it's generally in this vicinity (indicating) an  
13 ascending grade from the north to the south.

14 Q. And are you familiar with what we have  
15 identified on Petitioner's Hearing Exhibit A as the  
16 southernmost crossing?

17 A. Yes.

18 Q. And that's been -- that's identified in the  
19 federal inventory as DOT 608233F?

20 A. Yes, that's correct.

21 Q. All right. And where in relation to that  
22 crossing will the new proposed crossing be

1 installed?

2 A. The proposed crossing will be approximately  
3 46 feet north of the existing crossing.

4 Q. And what profile, if any, will the new  
5 proposed crossing have with respect to the crossing  
6 that is currently existing?

7 A. The profile on the proposed track will  
8 generally be consistent and match the profile of the  
9 existing track.

10 Q. Specifically, are you familiar with the  
11 requirements that are imposed by Section 1535 of the  
12 Illinois Administrative Code on grade crossings?

13 A. Yes.

14 Q. And the installation of the proposed  
15 crossing when complete will be in compliance with  
16 that code?

17 A. Yes. Yes. We have maintained a uniform  
18 road profile across both crossings.

19 Q. As part of the planned construction of the  
20 new crossing, is it your -- what will be -- what, if  
21 anything, will be modified?

22 A. Youngs Road to the north of the crossing

1 will have to be raised in elevation a little bit.

2 As I said, the Youngs Road is on an ascending grade  
3 from the north to the south and the tracks are also  
4 on a slight ascending grade from the north to the  
5 south, and to maintain an uniform plain across both  
6 crossings, it's necessary to raise the surface of  
7 Youngs Road a little on the south side to maintain  
8 that uniform plain across both tracks.

9 Q. And in connection with the installation  
10 project, is it your understanding that the existing  
11 crossing surface at the existing crossing will be  
12 replaced -- repaired or replaced?

13 A. Yes.

14 Q. And what is that crossing surface that's  
15 intended to be installed?

16 A. The intended is an asphalt crossing with  
17 timber headers adjacent to the rails.

18 Q. And is that appropriate considering the type  
19 of road that track and the traffic data?

20 A. Yes, that's an appropriate crossing. That's  
21 also the standard CSX crossing for this type of  
22 installation.

1       Q.    Is it your understanding that CSX has  
2   reviewed and approved these plans --

3       A.    Yes, that's correct.

4       Q.    -- and that these plans have also been  
5   submitted for review to ICC staff and their comments  
6   have been incorporated into what we are looking at  
7   being a final set of plans?

8       A.    Yes, to the best of my knowledge.

9       Q.    Mr. Heath, what crossing protection is  
10   currently in place for the existing crossing at this  
11   location?

12      A.    Currently there are crossbucks will yield  
13   signs.

14      Q.    And what is your recommendation to the  
15   Commission as to what, if any, new protection will  
16   be installed after the second track is installed?

17      A.    We recommended stay the same as the  
18   crossbucks, and this is also consistent within the  
19   other two crossings of Youngs Road in this vicinity.

20      Q.    Referring back to Petitioner's Exhibit A,  
21   those two crossings to the north are also equipped  
22   with crossbucks?



1           A.     Yes, that's correct.

2           Q.     And that recommendation would comply with  
3     both the administrative code and the Manual on  
4     Uniform Traffic Control Devices?

5           A.     Yes.

6           Q.     Do you have an understanding when this  
7     construction is slated to begin?

8           A.     Yes.   This fall.

9           Q.     This fall?   I have no further questions.

10          JUDGE KIRKLAND-MONTAGUE:   Mr. Teoliver, do you  
11     have any questions for the witness?

12          MR. TEOLIVER:   Yes, your Honor, just one  
13     question.

14                               CROSS EXAMINATION

15                               BY

16                               MR. TEOLIVER:

17          Q.     The roadway profile shows some hatching and  
18     it indicates that there's a darker black line on the  
19     bottom.   The hatched area and the darker black line,  
20     do those represent modifications to the roadway?

21          A.     Yes, the hatched area indicates the area of  
22     the roadway that will be resurfaced would be

1 attached to the crossing.

2 Q. Will that be a hot mix asphalt surface?

3 A. Yes. Yes, that will be asphalt.

4 Q. Okay. And so I guess then that led into the  
5 question does it show any kind of pavement marking  
6 plan or anything. But the Manual on Uniform Traffic  
7 Control Devices, which was mentioned, and the  
8 Illinois Administrative Code talks about pavement  
9 markings, I assume that those are going to be  
10 applied as well?

11 A. Yes. Yes. The crossing markings will be  
12 consistent with the MUTCD, Illinois Administrative  
13 Code requirements.

14 MR. TEOLIVER: That's all the questions that I  
15 have, your Honor.

16 JUDGE KIRKLAND-MONTAGUE: Okay. Mr. Streicher.

17 MR. STREICHER: No questions, your Honor.

18 JUDGE KIRKLAND-MONTAGUE: Okay. Mr. Baldwin, is  
19 there anything else?

20 MR. BALDWIN: We have nothing else at this time,  
21 your Honor.

22 JUDGE KIRKLAND-MONTAGUE: Okay. And just for

1 clarification, in the draft proposed stipulation  
2 there's one edit -- a couple of edits. Exhibit A  
3 should be referred to as Exhibit B, and Exhibit B  
4 should be referred to as Exhibit C.

5 MR. BALDWIN: That is correct.

6 JUDGE KIRKLAND-MONTAGUE: That is correct, your  
7 Honor. I will make that change so that you don't  
8 have to send my other version of the document.

9 MR. BALDWIN: Thank you.

10 JUDGE KIRKLAND-MONTAGUE: So are you going to  
11 move to admit anything or are you just going to  
12 leave the record as a prefiled exhibit?

13 MR. BALDWIN: I think that we would move to admit  
14 Exhibits A through D.

15 JUDGE KIRKLAND-MONTAGUE: Is that this?

16 MR. BALDWIN: The whole packet.

17 JUDGE KIRKLAND-MONTAGUE: Okay. Any objection to  
18 Petitioner's Exhibits A through D being admitted,  
19 Mr. Teoliver?

20 MR. TEOLIVER: No objections, your Honor.

21 JUDGE KIRKLAND-MONTAGUE: Okay. So Petitioner  
22 Exhibits A, B, C, and D are admitted, and so that's

1 it.

2 (Whereupon, Petitioner's  
3 Exhibits A, B, C & D were  
4 received in evidence.)

5 You don't have your --

6 MR. BALDWIN: We'll rest.

7 JUDGE KIRKLAND-MONTAGUE: Okay. Staff, just for  
8 the record, I know everyone's stipulated and you  
9 have got a draft agreed order. Just for the record,  
10 can you give me staff's position on this petition?

11 MR. TEOLIVER: Yes, your Honor. We have no  
12 objection to the construction of the modifications  
13 to the crossing known as 608233F.

14 In accordance with the plans that were  
15 just submitted as Exhibit B and, otherwise, in all  
16 manners consistent with the Illinois Administrative  
17 Code Part 1535 and the Manual of Uniform Traffic  
18 Control Devices, staff recommends entry of an order  
19 granting the petition.

20 JUDGE KIRKLAND-MONTAGUE: Okay. Well, thank you.  
21 I think we can mark the record heard and taken.

22 HEARD AND TAKEN.